

### **DETAILED ACTION**

This responds to Applicant's Arguments/Remarks filed 12/11/2009. Claims 40, 42-43, and 73-74 have been amended. Claims 1-39 stand cancelled. Claims 40-74 are pending in this Application. This supersedes the Supplemental Allowance dated 12/24/2009. No changes have been made other than to correct the status as an Allowance. A call was placed to Mr. Downs on 12/30/2009 explaining the reason for this follow-up Allowance.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/11/2009 has been entered.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 12/11/2009 was filed after the mailing date of the Notice of Allowance on 09/17/2009. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Allowable Subject Matter***

3. Claims 40-74 are allowed.
4. The following is an examiner's statement of reasons for allowance: The prior art neither anticipates nor renders obvious Applicant's claimed invention wherein there is an apparatus for and method comprising:

receiving by a first device from a second device, information regarding a total payout amount of electronic scratch-off lottery tickets stored on the second device, wherein the total payout amount has not been disclosed to the a player;

receiving, by the first device, from the a player an indication, after receiving the total payout amount information and wherein the total payout amount has not been disclosed to the player, of an item that the player is interested in winning;

determining, by the first device, a value of the item; and

arranging, via the first device, for the player to receive the item based on whether the total payout amount is within a defined range of the value of the item.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is

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(571)270-1992. The examiner can normally be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m..

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul A. D'Agostino/  
Examiner, Art Unit 3714

/Dmitry Suhol/

Supervisory Patent Examiner, Art Unit 3714